THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22846 of 1996

Dated: 29-09-2006

Between:

Munnibai and another.

..... PETITIONERS

AND

The Revenue Divisional Officer, Vizianagaram, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22846 of 1996

ORDER:

Petitioner No.1 is the wife of petitioner No.2. They filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in removing the hut erected by petitioner No.1 in the land an extent of 60 sq. yards in T.S.No.2/P, W-22, B-D situated at Gudimalkapur, Golkonda Mandal, Hyderabad District as illegal arbitrary and for further direction to the respondents not to interfere with the construction or enjoyment of the hut. In the affidavit filed by petitioner No.1, she states that she is landless poor person. Therefore, on 28-11-1995, assignment orders were issued granting house site pattas to the petitioner and twenty seven others in respect of different extents of land situated at Pochamma Basthi, Hyderabad. She allegedly constructed thatched hut therein. But on 24-10-1996 at 6.30 P.M., the staff of Revenue Department demolished the hut without giving any notice and without cancelling the assignment. Therefore, the present writ petition.

In the counter affidavit filed by respondent No.2, it is stated as under.

> "It is respectfully submitted that the land situated in T.S.No.2, Block-D Ward No.22 of Gudimalkapur Village correlates to old Sy.No.39 TP to an extent of 2.85.360 Sq. Meters is a Military land. The writ petitioner, Smt. Munni Bai, W/o Kailash Singh has alleged in her affidavit that she has been given a house site patta certificate by the Revenue Divisional Officer, Hyderabad to her, and thereafter she has constructed a hut and living in the hut and later on the revenue authorities along with the police have demolished the hut and caused financial loss and lot of inconvenience to her. In that regard it is to submit that Pochamma Basthi of Gudimalkapur Village falls in T.S.No.2, Block-D, Ward No.22 which is a Military land covered by ex-military quarters. S.D. Hospital staff quarters, two temples and Iedgah. The Military land is under the occupation of the civilians and there is a proposal for exchange of this military land in lieu of State Government land in Rangareddy District. House site pattas were given to the eligible beneficiaries in Pochamma Basthi who were already in occupation of the land from the last several years. The writ petitioner herein was never in possession of the land and not resided in the basthi. When the petitioner noticed that house site pattas were being given to the present occupiers of Pochamma Basthi, she also tried to occupy the vacant piece of Defence land with a malafide intention to obtain a house site patta certificate. But her illegal activity of occupying the Government vacant land was restrained and the temporary hut erected by the petitioner was removed. Subsequently the same

land has been handed over to the A.P.TRANSCO and the Corporation has constructed an office building to administer the power supply and revenue collection on an extent of 6.32 Sq.Yards."

Though the counter affidavit is served on the learned counsel for the petitioner in June, 2006, no reply affidavit is filed denying the averments made therein. Further the learned Assistant Government Pleader for Revenue (Assignment) produced the relevant file before this Court, which would belie the contention of the petitioners that petitioner No.1 was assigned house site patta along with others. As things stand, the petitioners were never in possession of the land nor any patta was granted in their favour. This writ petition is filed on factual founding which is incorrect and not proved.

The writ petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

29th September, 2006

ghn